

## IN THE CLAIMS

1. (currently amended) A prefabricated **asymmetrical** construction element for use after its manufacturing as an underlayment or backerboard comprising:

(a) a cementitious core having an upper principal ~~sur~~face and a lower principal ~~sur~~face;

(b) an impervious non-cementitious reinforcement membrane on the lower principal ~~sur~~face of the core, the impervious non-cementitious reinforcement membrane remaining on the lower principal ~~sur~~face of the core after the manufacture of the construction element; ~~and~~

(c) a cementitious bonding surface remaining on the upper principal ~~sur~~face of the ~~core~~ **construction element** after the manufacture of the construction element; ~~and~~

**(d) a non-cementitious surface remaining on the lower principal face of the construction element after the manufacture of the construction element;**

the core including alkaline resistant fibers; and

the construction element being prefabricated.

2. (original) The construction element of Claim 1, the alkaline resistant fibers being chopped reinforcement fibers randomly dispersed in the core.

3. (previously presented) The construction element of Claim 2, the impervious non-cementitious reinforcement membrane comprising a reinforced polymer membrane.

4. (previously presented) The construction element of Claim 2, the impervious non-cementitious reinforcement membrane comprising water impervious paperboard.

5. (previously presented) The construction element of Claim 2, the impervious non-cementitious reinforcement membrane comprising spunbonded olefin.

6. (previously presented) The construction element of Claim 2, the impervious non-cementitious reinforcement membrane comprising an alkaline resistant dense polymer fiber mat.

7. (previously presented) The construction element of Claim 2, the core comprising Portland cement and an additive selected from the group consisting of expanded shale, expanded clay, sintered clay, pumice, slag, calcium carbonate, slate, diatomaceous slate, perlite, vermiculite, scoria, volcanic cinders, tuff, diatomite, sintered fly ash, industrial cinders, gypsum, foam beads and glass beads.

8. (currently amended) A prefabricated **asymmetrical** cementitious panel for use after its manufacturing as an underlayment or backerboard comprising:

- (a) a core having an upper principal ~~surface~~ and a lower principal ~~surface~~;
- (b) a pervious upper reinforcement material on the upper principal ~~surface~~ of the core;
- (c) an upper cementitious coating in communication with the upper principal ~~surface~~ of the core and the pervious upper reinforcement material;
- (d) an impervious non-cementitious reinforcement membrane on the lower principal ~~surface~~ of the core, the impervious non-cementitious reinforcement membrane remaining on the lower principal ~~surface~~ of the core after the manufacture of the cementitious panel; ~~and~~
- (e) a pervious cementitious bonding surface remaining on the upper principal ~~surface~~ of the ~~core~~ cementitious panel after the manufacture of the ~~construction element~~ cementitious panel; ~~and~~
- (f) a non-cementitious surface remaining on the lower principal face of the cementitious panel after the manufacture of the cementitious panel;

the cementitious panel having a core including cement, and

the cementitious panel being asymmetrical in design such that after manufacture, the upper principal ~~surface~~ includes a pervious cementitious bonding surface and the lower principal ~~surface~~ includes an impervious non-cementitious reinforcement membrane and a non-cementitious lower surface.

9. (previously presented) The cementitious panel of Claim 8, the impervious non-cementitious reinforcement membrane comprising a single reinforced polymer membrane layer.

10. (previously presented) The cementitious panel of Claim 8, the impervious non-cementitious reinforcement membrane comprising water impervious paperboard.

11. (previously presented) The cementitious panel of Claim 8, the impervious non-cementitious reinforcement membrane comprising spunbonded olefin.

12. (previously presented) The cementitious panel of Claim 8, the impervious non-cementitious reinforcement membrane comprising an alkaline resistant dense polymer fiber mat.

13. (currently amended) The cementitious panel of Claim 8, the cement core comprising Portland cement and an additive selected from the group consisting of expanded shale, expanded clay, sintered clay, pumice, slag, calcium carbonate, slate, diatomaceous slate, perlite, vermiculite, scoria, volcanic cinders, tuff, diatomite, sintered fly ash, industrial cinders, gypsum, foam beads and glass beads, and

wherein there is only one impervious non-cementitious reinforcement membrane for the construction element, that being located on the lower principal ~~surface~~ of the ~~core~~ **construction element**.

Claims 14-44 (canceled)

45. (currently amended) A prefabricated asymmetrical structural construction element for use after its manufacturing as an underlayment or backerboard comprising:

(a) a cement core having an upper principal ~~surface~~ and a lower principal ~~surface~~;  
(b) a pervious reinforcement layer on the upper principal ~~surface~~ of the core;  
(c) a cement slurry binding the reinforcement layer to the upper principal ~~surface~~ of the core;

(d) an impervious non-cementitious reinforcement membrane layer on the lower principal ~~surface~~ of the core, **the impervious reinforcement membrane having a non-cementitious lower surface**, the impervious membrane remaining on the lower principal ~~surface~~ of the core after the manufacture of the structural construction element; **and**

(e) a pervious cementitious bonding surface remaining on the upper principal ~~surface~~ of the ~~core~~ **structural construction element** after the manufacture of the structural construction element; **and**

**(f) a non-cementitious surface remaining on the lower principal face of the structural construction element after the manufacture of the structural construction element;**

the structural construction element being asymmetrical in design such that after manufacture, the upper principal ~~surface~~ includes a pervious cementitious bonding surface and the lower principal ~~surface~~ includes an impervious non-cementitious reinforcement membrane **and a non-cementitious lower surface;**

wherein there is only one impervious non-cementitious reinforcement membrane for the construction element, that being located on the lower principal ~~surface~~ of the ~~core~~ **structural construction element;**

the impervious non-cementitious reinforcement membrane barrier enabling water vapor to pass therethrough; and

the construction element being a prefabricated structural element capable of supporting loads associated with elements used as an underlayment or backerboard.

46. (currently amended) The prefabricated asymmetrical structural construction element of Claim 45, the upper principal ~~sur~~face and the lower principal ~~sur~~face of the ~~core~~ **structural construction element** have different moisture-resistant **surfaces** ~~layers~~, respectively, on each.

Claims 47-48 (canceled)

49. (previously presented) The prefabricated structural asymmetrical cementitious panel of Claim 45, the core including alkaline resistant fibers.

50. (previously presented) The prefabricated structural asymmetrical cementitious panel of 49, the alkaline resistant fibers being chopped reinforcement fibers randomly dispersed in the core.

51. (previously presented) The prefabricated structural asymmetrical cementitious panel of Claim 50, the impervious non-cementitious reinforcement membrane comprising a reinforced polymer membrane.